SENATE BILL 1305

AN ACT

REPEALING SECTIONS 15-711.01 AND 15-717.02, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS 15-711.01 AND 15-717.02; RELATING TO CURRICULUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Repeal

Sections 15-711.01 and 15-717.02, Arizona Revised Statutes, are repealed.

Sec. 2. Title 15, chapter 7, article 1, Arizona Revised Statutes, is amended by adding new sections 15-711.01 and 15-717.02, to read:

15-711.01. Instruction; child assault awareness; abuse prevention

NOTWITHSTANDING ANY OTHER LAW, AGE-APPROPRIATE AND GRADE-APPROPRIATE CLASSROOM INSTRUCTION REGARDING CHILD ASSAULT AWARENESS AND ABUSE PREVENTION IS ALLOWED.

15-717.02. Prohibited instruction; legal action; civil penalty; disciplinary action; definitions

A. A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY OR AN EMPLOYEE OF A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY MAY NOT PROVIDE OR ALLOW ANY PERSON TO PROVIDE INSTRUCTION TO STUDENTS OR EMPLOYEES THAT PROMOTES OR ADVOCATES FOR ANY OF THE FOLLOWING CONCEPTS:

1. JUDGING AN INDIVIDUAL ON THE BASIS OF THE INDIVIDUAL'S RACE OR ETHNICITY.
2. THAT ONE RACE OR ETHNIC GROUP IS INHERENTLY Morally OR INTELLECTUALLY SUPERIOR TO ANOTHER RACE OR ETHNIC GROUP.
3. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR ETHNICITY, IS INHERENTLY RACIST OR OPPRESSIVE, WHETHER CONSCIOUSLY OR unconsciously.
4. THAT AN INDIVIDUAL SHOULD BE INVIDIOUSLY DISCRIMINATED AGAINST OR RECEIVE ADVERSE TREATMENT SOLELY OR PARTLY BECAUSE OF THE INDIVIDUAL'S RACE OR ETHNICITY.
5. THAT AN INDIVIDUAL'S MORAL CHARACTER IS DETERMINED BY THE INDIVIDUAL'S RACE OR ETHNICITY.
6. THAT AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE OR ETHNICITY, BEARS RESPONSIBILITY OR BLAME FOR ACTIONS COMMITTED BY OTHER MEMBERS OF THE SAME RACE OR ETHNIC GROUP.
7. THAT ACADEMIC ACHIEVEMENT, MERITOCRACY OR TRAITS SUCH AS A HARD WORK ETHIC ARE RACIST OR WERE CREATED BY MEMBERS OF A PARTICULAR RACE OR ETHNIC GROUP TO OPPRESS MEMBERS OF ANOTHER RACE OR ETHNIC GROUP.

B. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY MAY FILE A COMPLAINT WITH AN APPROPRIATE ADMINISTRATOR DESIGNATED BY THE PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY IF THE STUDENT OR EMPLOYEE RECEIVES INSTRUCTION THAT ALLEGEDLY VIOLATES SUBSECTION A OF THIS SECTION. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY MAY NOT FILE MORE THAN ONE COMPLAINT UNDER THIS SUBSECTION IN ANY THIRTY-DAY PERIOD. A COMPLAINT MAY IDENTIFY MULTIPLE ALLEGED VIOLATIONS OF THIS SECTION. THE DESIGNATED ADMINISTRATOR SHALL DETERMINE IN WRITING WHETHER THE VIOLATION OCCURRED AND, IF A VIOLATION OCCURRED, ACT TO RESOLVE THE COMPLAINT WITHIN
SIXTY DAYS AFTER RECEIVING THE COMPLAINT. FOR THE PURPOSES OF THIS
SUBSECTION, THE DESIGNATED ADMINISTRATOR OF:

1. A SCHOOL DISTRICT OR A SCHOOL OPERATED BY A SCHOOL DISTRICT IS
THE SCHOOL DISTRICT SUPERINTENDENT.

2. A CHARTER SCHOOL IS THE CHARTER SCHOOL OPERATOR.

C. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL,
SCHOOL DISTRICT OR STATE AGENCY MAY APPEAL A DETERMINATION MADE OR ACTION
TAKEN UNDER SUBSECTION B OF THIS SECTION BY A SCHOOL DISTRICT
SUPERINTENDENT OR CHARTER SCHOOL OPERATOR BY FILING A COMPLAINT WITH THE
SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY. THE
SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING BODY SHALL
HOLD A HEARING TO DETERMINE WHETHER THE VIOLATION OCCURRED AND, IF A
VIOLATION OCCURRED, ACT TO RESOLVE THE COMPLAINT WITHIN THIRTY DAYS AFTER
RECEIVING THE COMPLAINT. ANY DETERMINATION MADE UNDER THIS SUBSECTION
MUST INCLUDE AN EXPLANATION OF THE DETERMINATION.

D. A STUDENT, EMPLOYEE OR PARENT OF A STUDENT OF A PUBLIC SCHOOL,
SCHOOL DISTRICT OR STATE AGENCY MAY FILE A COMPLAINT WITH THE STATE BOARD
OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR AN ALLEGED
VIOLATION OF THIS SECTION AFTER THE PUBLIC SCHOOL, SCHOOL DISTRICT OR
STATE AGENCY THAT IS THE SUBJECT OF THE COMPLAINT HAS HAD THE OPPORTUNITY
TO RESOLVE THE COMPLAINT AS PRESCRIBED IN SUBSECTIONS B AND C OF THIS
SECTION.

E. IF THE STATE BOARD OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC
INSTRUCTION DETERMINES THAT A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE
AGENCY IS IN VIOLATION OF SUBSECTION A OF THIS SECTION, THE STATE BOARD OR
THE SUPERINTENDENT SHALL NOTIFY THE PUBLIC SCHOOL, SCHOOL DISTRICT OR
STATE AGENCY THAT IT IS IN VIOLATION OF SUBSECTION A OF THIS SECTION AND
MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN $5,000 FOR EACH VIOLATION. IF
THE STATE BOARD OR THE SUPERINTENDENT DETERMINES THAT THE PUBLIC SCHOOL,
SCHOOL DISTRICT OR STATE AGENCY HAS FAILED TO CORRECT THE VIOLATION WITHIN
THIRTY DAYS AFTER NOTICE IS ISSUED PURSUANT TO THIS SUBSECTION, THE STATE
BOARD OR THE SUPERINTENDENT SHALL IMPOSE A CIVIL PENALTY OF NOT MORE THAN
$5,000 FOR EACH DAY THE VIOLATION CONTINUES AFTER THE THIRTY-DAY PERIOD.
ACTIONS TAKEN UNDER THIS SUBSECTION ARE SUBJECT TO APPEAL PURSUANT TO
TITLE 41, CHAPTER 6, ARTICLE 10.

F. A CERTIFICATED PERSON OR A NONCERTIFICATED PERSON AS DEFINED IN
SECTION 15-505 WHO VIOLATES SUBSECTION A OF THIS SECTION MAY BE SUBJECT TO
DISCIPLINARY ACTION PURSUANT TO SECTION 15-203, SUBSECTION A, PARAGRAPH
20, INCLUDING THE SUSPENSION OR REVOCATION OF THE PERSON’S CERTIFICATE OR
DISCIPLINARY ACTION DESCRIBED IN SECTION 15-505, AS THE STATE BOARD OF
EDUCATION DEEMS APPROPRIATE.

G. THIS SECTION DOES NOT PREVENT AN EMPLOYEE OF A PUBLIC SCHOOL,
SCHOOL DISTRICT OR STATE AGENCY OR ANY PERSON WHO IS INVITED TO A PUBLIC
SCHOOL, SCHOOL DISTRICT OR STATE AGENCY TO PROVIDE INSTRUCTION TO STUDENTS
OR EMPLOYEES FROM IDENTIFYING AND DISCUSSING HISTORICAL MOVEMENTS,
IDEOLOGIES OR INSTANCES OF RACIAL HATRED OR DISCRIMINATION, INCLUDING SLAVERY, INDIAN REMOVAL, THE HOLOCAUST AND JAPANESE-AMERICAN INTERNMENT.

H. INSTRUCTION THAT VIOLATES SUBSECTION A OF THIS SECTION CONSTITUTES A SINGLE VIOLATION IF IT RESULTS FROM A SINGLE ACT OR SERIES OF RELATED ACTS.

I. FOR THE PURPOSES OF THIS SECTION:

1. "EMPLOYEE" MEANS AN EMPLOYEE OF A PUBLIC SCHOOL, SCHOOL DISTRICT OR STATE AGENCY WHO IS ACTING IN THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES.

2. "INSTRUCTION" INCLUDES ANY OF THE FOLLOWING:

   (a) EDUCATIONAL ACTIVITIES.

   (b) TRAINING.

   (c) INSTRUCTION THAT IS PART OF A TEACHER PREPARATION PROGRAM, CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT.

3. "STATE AGENCY" MEANS A STATE AGENCY THAT IS INVOLVED WITH STUDENTS OR TEACHERS OF PRESCHOOL OR KINDERGARTEN PROGRAMS OR ANY OF GRADES ONE THROUGH TWELVE.